

Application No: 10/761,343
Attorney's Docket No: ALC 3113

REMARKS/ARGUMENTS

Claims 1-6 and 9-13 are pending in this application. Claims 1 and 2 are independent. Claim 13 is withdrawn. Claims 7 and 8 are cancelled without prejudice to, or disclaimer of, the subject matter recited therein. Claims 2, 5 and 6 are amended.

Entry of the amendments is proper under 37 CFR 1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issues requiring further search and/or consideration (because the amendments amplify issues previously discussed throughout the prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they address issues unrelated to the prior art rejections and newly raised in the Final Office Action. Entry of the amendments is thus respectfully requested.

In section 2 on page 2, the Office Action objects to claims 2-12 for the specified reason. Claim 2 is amended as suggested by the Office Action. Claims 3-12 were objected to based on their dependency from claim 2. Therefore, it is respectfully requested that the objection to claims 2-12 in section 2 on page 2 of the Office Action be withdrawn.

In section 4 on pages 2-4, the Office Action rejects claims 2-12 under 35 U.S.C. §112, 2nd paragraph, as allegedly being indefinite for the specified reasons. Claims 2, 5 and 6 are amended as suggested by the Office Action. Claims 7 and 8 are cancelled without prejudice to, or disclaimer of, the subject matter recited therein.

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For at least the foregoing reasons, it is respectfully requested that the rejection of claim 2-12 in section 4 on pages 2-4 of the Office Action be withdrawn.

In section 8 on pages 4-6, the Office Action maintains the previous rejection of claims 1-4 under 35 U.C.S. §102(e) as allegedly being anticipated by U.S. Patent Publication No. 2003/0043560 to Clarkson et al. This rejection is respectfully traversed for at least the following reasons.

The rejection recharacterizes Clarkson in response to Applicant's August 30, 2007, Interview and September 10, 2007, Amendment. However, the disclosure in Clarkson relied upon in connection with rejection is the same as that relied upon in the previous Office Action. Therefore, Applicant maintains the traversal arguments articulated in Applicant's September 10, 2007, Amendment.

Applicant respectfully submits that claim 1-4 are patentable over Clarkson for the foregoing reasons and respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-4 as allegedly being anticipated by Clarkson.

In section 10 on page 7, the Office Action maintains the previous rejection of claims 11 and 12 under 35 U.S.C. §103(a) as allegedly being unpatentable over Clarkson. This rejection is respectfully traversed for at least the reason that claims 11 and 12 are allowable based on their dependence from claim 2 for the reasons stated above in connection with the rejection of claim 2. Therefore, it is respectfully requested that the rejection of claims 11 and 12 in section 10 on page 7 of the Office Action be withdrawn.

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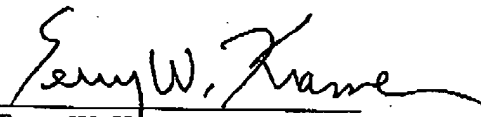
CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

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